

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DRU D. BUCHAN,)	
)	
Plaintiff,)	
)	
v.)	Civil No. 3:11-1214
)	Judge Trauger
NPC INTERNATIONAL, INC., et al.,)	
)	
Defendants.)	

ORDER


On August 23, 2012, the Magistrate Judge issued a Report and Recommendation, (Docket No. 23) to which no timely objections have been filed. The Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** that the Motion to Dismiss filed by Defendant NPC International, Inc. (Docket No. 5) which has been joined in by defendant SIGNA (Docket No.10), is **GRANTED in part and DENIED in part**.

It is hereby **ORDERED** that the plaintiff's state law tort claims are **DISMISSED**, and his remaining claims shall be construed as claims under ERISA.

It is hereby **ORDERED** that this case is returned to the Magistrate Judge for further handling under the original referral order.

It is so **ORDERED**.

ENTER this 19th day of September 2012.



ALET A. TRAUGER
U.S. District Judge